

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

ALICIA A. EPPS,  
Plaintiff,

vs.

UNITED STATES OF  
AMERICA, et al.,  
Defendants.

Case No. 1:23-cv-510

Cole, J.  
Litkovitz, M.J.

**REPORT AND  
RECOMMENDATION**

This matter is before the Court on plaintiff's amended complaint filed on August 22, 2023. (Doc. 5).

On August 16, 2023, the undersigned issued a Report and Recommendation that plaintiff's original complaint be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B) because plaintiff seeks relief from a defendant (the United States of America) that is immune from relief and because the complaint fails to state a claim upon which relief may be granted. (Doc. 4). The undersigned also recommended that plaintiff's state law claims be dismissed without prejudice to refile in State court. (*Id.*).

Plaintiff has now filed an amended complaint that appears to be identical to the original complaint with one exception. Under the "Jurisdiction" section of the amended complaint, plaintiff states, verbatim:

Plaintiff Amended complaint pursuant Rule. 15, to Change the Plaintiffs mailing address, to number pages of complaint pursuant Rule 4, Plaintiff wanting to add a claim for violation of the RICO ACT, but since this one of many violations perpetrated by Defendant's 2 and 3 over years, together is feared by resident's of the Old Laurel Homes, and Lincoln Courts now City West Apartment's), also added Subpoena for return of missing document's.

(Doc. 5 at PAGEID 50).

Plaintiff's amended complaint does not address the deficiencies set forth in the Report

and Recommendation, nor does it set forth facts showing a plausible claim for relief.

Accordingly, for the reasons set forth in the August 16, 2023 Report and Recommendation (Doc. 4), plaintiff's amended complaint should also be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B).

**IT IS THEREFORE RECOMMENDED THAT:**

1. The federal claims set forth in the amended complaint be **DISMISSED with prejudice** pursuant to 28 U.S.C. § 1915(e)(2)(B).
2. The state law claims set forth in the amended complaint be **DISMISSED without prejudice** to refiling in State court.
3. The Court certify pursuant to 28 U.S.C. § 1915(a) that for the foregoing reasons an appeal of any Order adopting this Report and Recommendation would not be taken in good faith and therefore deny plaintiff leave to appeal *in forma pauperis*. Plaintiff remains free to apply to proceed *in forma pauperis* in the Court of Appeals. *See Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999), *overruling in part Floyd v. United States Postal Serv.*, 105 F.3d 274, 277 (6th Cir. 1997).

Date: 8/23/2023

  
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Karen L. Litkovitz  
United States Magistrate Judge

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**NOTICE**

Pursuant to Fed. R. Civ. P. 72(b), WITHIN 14 DAYS after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections WITHIN 14 DAYS after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).